

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOTION TO DISMISS

The United States, by and through Colm F. Connolly, United States Attorney for the District of Delaware, and Douglas E. McCann, Assistant United States Attorney for the District of Delaware, hereby moves to dismiss Count II of the Indictment (D.I. 8).

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: /s/ Douglas E. McCann

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DATED: September 27, 2007

IT IS SO ORDERED this ____ day of September, 2007

HONORABLE SUE L. ROBINSON
UNITED STATES DISTRICT JUDGE